

REMARKS**INTRODUCTION:**

In accordance with the foregoing, claims 6, 13, 19, 34, 41, and 46 have been canceled without prejudice or disclaimer, and claims 1, 18, 20, 28, 35, 40, 45, and 47 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-5, 7-12, 14-18, 20-33, 35-40, 42-45 and 47-53 are pending and under consideration. Reconsideration is respectfully requested.

Claim Rejections Under 35 USC §112:

In item 2 on page 2 of the Office Action the Examiner rejected claims 13 and 41 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner stated that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner went on to state that it is unclear how the separate member with the grooves is coupled to the movable body. The Applicant respectfully traverses the Examiner's rejections of these claims.

Claims 13 and 41 have been cancelled without prejudice or disclaimer.

Hence, the rejections of claims 13 and 41 under 35 U.S.C. §112, first paragraph, are now moot.

Claim Rejections Under 35 USC §103:

A. In items 4-15 on pages 3-7 of the Office Action the Examiner rejected claims 1-2, 6, 7-17, 28-29, and 34-44 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,220,747, issued to Cherry et al. (hereinafter referred to as "Cherry") in view of U.S. Patent 6,711,778, issued to Sparkman (hereinafter referred to as "Sparkman"). The Applicant respectfully traverses the Examiner's rejections of these claims.

Independent claim 1 has been amended to include the features of claims 6 and 13 (with the features of claim 13 clarified with respect to how the separate member with the grooves is coupled to the movable body) by adding the terminology: "wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof, and the grooves are formed on along one upper side of a separate I-bar-shaped member that is slidably inserted into

a half-I-bar shaped lengthwise slot in a longitudinal side surface of the movable body," as is shown in FIG. 1 of the present invention. Claims 6 and 13 have been cancelled without prejudice or disclaimer.

Independent claim 28 has been amended to include the features of claims 34 and 41 (with the features of claim 41 clarified with respect to how the separate member with the grooves is coupled to the movable body) by adding the terminology: "wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof, and the grooves are formed on along one upper side of a separate I-bar-shaped member that is slidably inserted into a half-I-bar shaped lengthwise slot in a longitudinal side surface of the movable body," as is shown in FIG. 1 of the present invention. Claims 34 and 41 have been cancelled without prejudice or disclaimer.

Cherry discloses a biasing mechanism of a refrigerator with a spring connected to provide biasing force in the desired directions at the appropriate degrees of door opening and an arm and roller arrangement which compliments the action of the spring. However, Cherry does not disclose, teach or suggest the configuration and coupling of the movable body and the separate I-bar-shaped member of the present claimed invention, wherein the movable body is arranged to move in opposite directions in accordance with opening and closing actions of the refrigerator door and a control unit controlling an opposite directional movement of the movable body in a multi-stage manner, as is disclosed in amended independent claims 1 and 28 of the present invention.

Sparkman discloses a door stop apparatus that includes a block secured to a vehicle and a bar extending through a generally horizontal bore in the block, wherein the bar is secured to a vehicle door and includes stop recesses spaced apart from each other. However, Sparkman, does not disclose, teach or suggest the configuration and coupling of the movable body and the separate I-bar-shaped member of the present claimed invention, wherein the movable body is arranged to move in opposite directions in accordance with opening and closing actions of the refrigerator door and a control unit controlling an opposite directional movement of the movable body in a multi-stage manner, as is disclosed in amended independent claims 1 and 28 of the present invention.

Hence, neither Cherry nor Sparkman, alone or in combination, discloses, teaches or suggests a door control device for a refrigerator having a refrigerator door, comprising: a movable body coupled to the refrigerator door, wherein the movable body is arranged to move in opposite directions in accordance with opening and closing actions of the refrigerator door; and

a control unit controlling an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position, wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof, and the grooves are formed along one upper side of a separate I-bar-shaped member that is slidably inserted into a half-I-bar shaped lengthwise slot in a longitudinal side surface of the movable body.

In addition, neither Cherry nor Sparkman, alone or in combination, discloses, teaches or suggests a refrigerator, comprising: a cabinet with a storage compartment; a door hinged to the cabinet to close the storage compartment; a leg casing installed in a lower portion of the cabinet; a movable body coupled to door, wherein the movable body is arranged in the leg casing so as to move in opposite directions in the leg casing; and a control unit to control an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position, wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof, and the grooves are formed along one upper side of a separate I-bar-shaped member that is slidably inserted into a half-I-bar shaped lengthwise slot in a longitudinal side surface of the movable body.

Thus, it is respectfully submitted that amended independent claims 1 and 28 are patentable under 35 U.S.C. §103(a) over U.S. Patent 5,220,747, issued to Cherry et al. in view of U.S. Patent 6,711,778, issued to Sparkman. Since claims 2, 7-17, 29, and 34-44 depend from amended independent claims 1 and 28, respectively, claims 2, 7-17, 29, and 34-44 are patentable under 35 U.S.C. §103(a) over U.S. Patent 5,220,747, issued to Cherry et al. in view of U.S. Patent 6,711,778, issued to Sparkman, for at least the reasons that amended independent claims 1 and 28 are patentable under 35 U.S.C. §103(a) over U.S. Patent 5,220,747, issued to Cherry et al. in view of U.S. Patent 6,711,778, issued to Sparkman.

B. In item 16 on pages 7-8 of the Office Action the Examiner rejected claims 3-5 and 30-33 under 35 U.S.C. §103(a) as being unpatentable over Cherry in view of Sparkman as applied to claim 1 and 28, and further in view of U.S. Patent No. 5,896,619, issued to Koopman (hereinafter referred to as "Koopman"). The Applicant respectfully traverses the Examiner's rejections of these claims.

Independent claim 1 has been amended to include the features of claims 6 and 13: wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof, and the grooves are formed on along one upper side of a separate I-bar-

shaped member that is slidably inserted into a half-I-bar shaped lengthwise slot in a longitudinal side surface of the movable body, as is shown in FIG. 1 of the present invention. Claims 6 and 13 have been cancelled without prejudice or disclaimer.

Independent claim 28 has been amended to include the features of claims 34 and 41: wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof, and the grooves are formed on along one upper side of a separate I-bar-shaped member that is slidably inserted into a half-I-bar shaped lengthwise slot in a longitudinal side surface of the movable body, as is shown in FIG. 1 of the present invention. Claims 34 and 41 have been cancelled without prejudice or disclaimer.

As noted above, neither Cherry nor Sparkman disclose, teach or suggest the configuration and coupling of the movable body and the separate I-bar-shaped member of amended independent claims 1 and 28 of the present invention, wherein the movable body is arranged to move in opposite directions in accordance with opening and closing actions of the refrigerator door and a control unit controlling an opposite directional movement of the movable body in a multi-stage manner, as is disclosed in amended independent claims 1 and 28 the present invention.

Koopman discloses a door hinge and closure mechanism which includes a hinge unit and a closure unit, wherein the hinge and closure units are integral in that a hinge plate of the hinge unit serves as a support for components of the closure unit, and generally, the closure unit applies a pre-load force on the door when the door is in a closed position, and wherein, rather than being expanded during door opening as with known spring closure mechanisms, the spring of the closure unit is compressed.

Hence, Koopman does not disclose, teach or suggest a door control device for a refrigerator having a refrigerator door, comprising: a movable body coupled to the refrigerator door, wherein the movable body is arranged to move in opposite directions in accordance with opening and closing actions of the refrigerator door; and a control unit controlling an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position, wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof, and the grooves are formed along one upper side of a separate I-bar-shaped member that is slidably inserted into a half-I-bar shaped lengthwise slot in a longitudinal side surface of the movable body, as is disclosed in amended independent claim 1 of the present invention.

In addition, Koopman does not disclose, teach or suggest a refrigerator, comprising: a cabinet with a storage compartment; a door hinged to the cabinet to close the storage compartment; a leg casing installed in a lower portion of the cabinet; a movable body coupled to door, wherein the movable body is arranged in the leg casing so as to move in opposite directions in the leg casing; and a control unit to control an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position, wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof, and the grooves are formed along one upper side of a separate I-bar-shaped member that is slidably inserted into a half-I-bar shaped lengthwise slot in a longitudinal side surface of the movable body, as is disclosed in amended independent claim 28 of the present invention.

Thus, even if combined, Cherry, Sparkman and Koopman do not disclose, teach or suggest amended claims 1 and/or 28 of the present invention.

Thus, it is respectfully submitted that amended independent claims 1 and 28 are patentable under 35 U.S.C. §103(a) over Cherry in view of Sparkman as applied to claim 1 and 28, and further in view of U.S. Patent No. 5,896,619, issued to Koopman. Since claims 3-5 and 30-33 depend from amended independent claims 1 and 28, respectively, claims 3-5 and 30-33 are patentable under 35 U.S.C. §103(a) over Cherry in view of Sparkman as applied to claim 1 and 28, and further in view of U.S. Patent No. 5,896,619, issued to Koopman, for at least the reasons that amended independent claims 1 and 28 are patentable under 35 U.S.C. §103(a) over Cherry in view of Sparkman as applied to claim 1 and 28, and further in view of U.S. Patent No. 5,896,619, issued to Koopman.

C. In items 17-18 on pages 8-10 of the Office Action the Examiner rejected claims 18-27 and 45-53 under 35 U.S.C. §103(a) as being unpatentable over Cherry in view of Sparkman as applied to claims 1 and 28, and further in view of U.S. Patent No. 5,706,551, issued to Jeynes et al. (hereinafter referred to as "Jeynes"). The Applicant respectfully traverses the Examiner's rejections of these claims.

Independent claim 18 has been amended to recite:

A door control device for a refrigerator having a refrigerator door, comprising:
a movable body coupled to the refrigerator door, wherein the movable body is arranged to move in opposite directions in accordance with opening and closing actions of the refrigerator door, wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof;

a control unit to control an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position, wherein the control unit comprises a locking unit selectively engaging with the plurality of grooves provided to the movable body and an elastic member elastically supporting the locking unit; and

a dampening unit dampening a rearward movement of the movable body during the closing action, thus retarding energy generated from the refrigerator door closing, wherein the dampening unit comprises an elastic support unit elastically supporting a rear end of the movable body.

Claim 19 has been cancelled without prejudice or disclaimer.

Independent claim 45 has been amended to recite:

A refrigerator, comprising:

a cabinet with a storage compartment;

a door hinged to the cabinet to close the storage compartment;

a leg casing installed in a lower portion of the cabinet;

a movable body coupled to the door, wherein the movable body is arranged in the leg casing so as to move in opposite directions in the leg casing in accordance with door opening and door closing actions, wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof;

a control unit to control an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position, wherein the control unit comprises a locking unit selectively engaging with the plurality of grooves provided to the movable body and an elastic member elastically supporting the locking unit; and

a dampening unit provided in said leg casing to dampen a rearward movement of the movable body during a door closing action, thus retarding energy generated from the door closure, wherein the dampening unit comprises an elastic support unit elastically supporting a rear end of the movable body.

Claim 46 has been cancelled without prejudice or disclaimer.

Hence, amended independent claims 18 and 45 of the present invention recite the use of an elastic member elastically supporting the locking unit and an elastic support unit elastically supporting a rear end of the movable body.

Cherry discloses a biasing mechanism of a refrigerator with a spring connected to provide biasing force in the desired directions at the appropriate degrees of door opening and an

arm and roller arrangement which compliments the action of the spring.

However, Cherry does not disclose, teach or suggest a door control device for a refrigerator having a refrigerator door, comprising: a movable body coupled to the refrigerator door, wherein the movable body is arranged to move in opposite directions in accordance with opening and closing actions of the refrigerator door, wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof; a control unit to control an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position, wherein the control unit comprises a locking unit selectively engaging with the plurality of grooves provided to the movable body and an elastic member elastically supporting the locking unit; and a dampening unit dampening a rearward movement of the movable body during the closing action, thus retarding energy generated from the refrigerator door closing, wherein the dampening unit comprises an elastic support unit elastically supporting a rear end of the movable body, as is disclosed in amended independent claim 18 of the present invention.

In addition, Cherry does not disclose, teach or suggest a refrigerator, comprising: a cabinet with a storage compartment; a door hinged to the cabinet to close the storage compartment; a leg casing installed in a lower portion of the cabinet; a movable body coupled to the door, wherein the movable body is arranged in the leg casing so as to move in opposite directions in the leg casing in accordance with door opening and door closing actions, wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof; a control unit to control an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position, wherein the control unit comprises a locking unit selectively engaging with the plurality of grooves provided to the movable body and an elastic member elastically supporting the locking unit; and a dampening unit provided in said leg casing to dampen a rearward movement of the movable body during a door closing action, thus retarding energy generated from the door closure, wherein the dampening unit comprises an elastic support unit elastically supporting a rear end of the movable body, as is disclosed in amended independent claim 45 of the present invention.

Sparkman discloses a door stop apparatus that includes a block secured to a vehicle and a bar extending through a generally horizontal bore in the block, wherein the bar is secured to a vehicle door and includes stop recesses spaced apart from each other.

However, Sparkman, does not disclose, teach or suggest a door control device for a

refrigerator having a refrigerator door, comprising: a movable body coupled to the refrigerator door, wherein the movable body is arranged to move in opposite directions in accordance with opening and closing actions of the refrigerator door, wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof; a control unit to control an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position, wherein the control unit comprises a locking unit selectively engaging with the plurality of grooves provided to the movable body and an elastic member elastically supporting the locking unit; and a dampening unit dampening a rearward movement of the movable body during the closing action, thus retarding energy generated from the refrigerator door closing, wherein the dampening unit comprises an elastic support unit elastically supporting a rear end of the movable body, as is disclosed in amended independent claim 18 of the present invention.

In addition, Sparkman does not disclose, teach or suggest a refrigerator, comprising: a cabinet with a storage compartment; a door hinged to the cabinet to close the storage compartment; a leg casing installed in a lower portion of the cabinet; a movable body coupled to the door, wherein the movable body is arranged in the leg casing so as to move in opposite directions in the leg casing in accordance with door opening and door closing actions, wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof; a control unit to control an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position, wherein the control unit comprises a locking unit selectively engaging with the plurality of grooves provided to the movable body and an elastic member elastically supporting the locking unit; and a dampening unit provided in said leg casing to dampen a rearward movement of the movable body during a door closing action, thus retarding energy generated from the door closure, wherein the dampening unit comprises an elastic support unit elastically supporting a rear end of the movable body, as is disclosed in amended independent claim 45 of the present invention.

Jeynes discloses a door closer for hinged doors wherein an actuator adapted for fitting within the thickness of a door and an anchor member adapted for fitting in a door frame such that when installed the closer acts to draw the door into a position of closure at a rate controlled by a fluid-filled damper which comprises a cylinder containing hydraulic fluid, a piston slidable longitudinally of said cylinder and dividing the cylinder into two chambers and a flow restriction assembly associated with the passageway incorporated in said piston to limit the rate

of flow of hydraulic fluid from one chamber to the other when the piston is moving in the door-closing direction.

However, Jeynes does not recite, teach or suggest a door control device for a refrigerator having a refrigerator door, comprising: a movable body coupled to the refrigerator door, wherein the movable body is arranged to move in opposite directions in accordance with opening and closing actions of the refrigerator door, wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof; a control unit to control an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position, wherein the control unit comprises a locking unit selectively engaging with the plurality of grooves provided to the movable body and an elastic member elastically supporting the locking unit; and a dampening unit dampening a rearward movement of the movable body during the closing action, thus retarding energy generated from the refrigerator door closing, wherein the dampening unit comprises an elastic support unit elastically supporting a rear end of the movable body, as is recited in amended claim 18 of the present invention. In fact, Jeynes teaches away from the present invention by utilizing a fluid-filled, hydraulic damper.

In addition, Jeynes does not recite, teach or suggest: a refrigerator, comprising: a cabinet with a storage compartment; a door hinged to the cabinet to close the storage compartment; a leg casing installed in a lower portion of the cabinet; a movable body coupled to the door, wherein the movable body is arranged in the leg casing so as to move in opposite directions in the leg casing in accordance with door opening and door closing actions, wherein the movable body is provided with a plurality of grooves formed along a longitudinal side surface thereof; a control unit to control an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position, wherein the control unit comprises a locking unit selectively engaging with the plurality of grooves provided to the movable body and an elastic member elastically supporting the locking unit; and a dampening unit provided in said leg casing to dampen a rearward movement of the movable body during a door closing action, thus retarding energy generated from the door closure, wherein the dampening unit comprises an elastic support unit elastically supporting a rear end of the movable body. As noted above, Jeynes teaches away from the present invention by utilizing a fluid-filled, hydraulic damper.

Thus, amended independent claims 18 and 45 are submitted to be patentable under 35

U.S.C. §103(a) over Cherry in view of Sparkman as applied to claims 1 and 28, and further in view of U.S. Patent No. 5,706,551, issued to Jeynes et al. Since claims 20-27 and 47-53 depend from amended independent claims 18 and 45, respectively, claims 20-27 and 47-53 are patentable under 35 U.S.C. §103(a) over Cherry in view of Sparkman as applied to claims 1 and 28, and further in view of U.S. Patent No. 5,706,551, issued to Jeynes et al. for at least the reasons that amended independent claims 18 and 45 are patentable under 35 U.S.C. §103(a) over Cherry in view of Sparkman as applied to claims 1 and 28, and further in view of U.S. Patent No. 5,706,551, issued to Jeynes et al.

Examiner's Response to Arguments:

In items 19-20 on pages 10-11 of the Office Action, the Examiner provided a response to the arguments made by the Applicant in the Amendment filed on November 28, 2005. The Applicant respectfully traverses the Examiner's response with the following points.

In regard to the Applicant's assertion that Cherry and Sparkman teach away from one another, the Examiner provided the following statements:

In the applicant's remarks on page 16, the applicant states that "...the very essence of the Cherry disclosure, which is biasing the door toward either an open or closed position depending on the angle of the door." The applicant is incorrect in making this statement; the door of Cherry also has a stable angle of the door at approximately 90 degrees (Col. 4, lines 12-15). It is in having this stable angle that is the one of the essences of the Cherry disclosure, along with the having a biased closure and biased open means to allow for use of the refrigerator when the user's hands are full (Col. 1, lines 9-30). Therefore Cherry is teaching a plurality of stop positions (closed, 90 degrees, and fully open) and does not teach away from the Sparkman reference, which teaches the same function of a plurality of stop, by using a plurality of grooves.

The Applicant respectfully submits that the Examiner has mischaracterized the arguments made by the Applicant, as well as the clearly stated goal of the Cherry reference. It is clear from the entirety of Cherry that the essence of the invention is a device to bias the refrigerator door toward either an open or closed position (the open position described by the Examiner is one of the open positions already discussed by the Applicant). The title of the invention is REFRIGERATOR DOOR BIASING MECHANISM. The abstract of Cherry explains that the biasing mechanism biases the door toward the closed position when the door is less than about 30 degrees open, and toward the open position when the door is more than about 30 degrees open. It is true that two stable open positions are provided in Cherry (including the fully open position), but this does not change the fact that the door is biased one way or the other when not locked into those positions. Further, the Examiner has stated that the Applicant is

"incorrect" because the door of Cherry has the stable open position at 90 degrees. The Applicant respectfully submits that this has no bearing on the previous assertions by the Examiner because the door is nevertheless biased toward the open position discussed by the Examiner, and therefore does not logically conflict with the statements made by the Applicant. Cherry quite obviously has the two stable open positions at 90 degrees and fully open. However, while the Examiner is correct in stating that the stable open position at 90 degrees is integral to the invention of Cherry, this also supports the Applicant's position that the biasing toward that position or toward the closed position would be countered by the addition of further stop positions.

As Cherry provides a spring biasing system to bias the refrigerator door toward either an open or closed position, the addition of more notches to the member to match the Sparkman disclosure would prevent the biasing toward the 90 degree open position, which the Examiner has identified as one of the "essences" of Cherry. The long straight edge 66 of the member 38 works in conjunction with the spring 56 to provide this bias toward the 90 degree position, and further stop positions would render the inventive aspect of Cherry unsatisfactory. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) cited by MPEP §2143.01. As the addition of the stop positions of Sparkman would obviously negate the intended purpose of Cherry, which the Applicant submits would be recognized by anyone skilled in the art, the modification proposed by the Examiner is not valid. Also, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) cited by MPEP §2143.01. Sparkman, similar to the present application, does not incorporate a biasing device to bias the door in an open or closed direction. As a plurality of stop positions between the close position and the fully opened position would therefore change the principle of the biasing device of Cherry, there is no *prima facie* obviousness.

Also, the Examiner stated that the motivation to combine Cherry and Sparkman is to provide a plurality of stops to have more than one "fully open" position, citing lines 20-22 of column 1 of Cherry. However, the cited section merely discusses one stable open position between the closed position and the fully opened position. Directly after those cited lines, Cherry goes on to say that it is desirable for the door to be easily movable between those positions

since gravity no longer plays the supporting role in closing the doors that it once did (Column 1, Lines 27-44), which brought about the motivation for the biasing device. Column 3, Line 37 through Column 4, Line 40 clearly shows that there would be not motivation to bias the refrigerator door in an open direction if a user would have to exert the force to move it further along a plurality of stopped positions along the way to the fully open position. This is why there is only one open position provided between the closed and fully open positions of Cherry, rather than the plurality of predetermined positions between a closed position and fully open position as claimed in claim 1 of the present application. In maintaining a prima facie obviousness rejection, the Examiner is required to evaluate the record as a whole, and to account for contrary teachings existing in the record. In re Young, 18 USPQ2d 1089 (Fed. Cir. 1991) cited by MPEP §2143.01. Further, as previously stated, such combinations cannot render the combined product to be unsatisfactory for its intended purpose, as stated in MPEP §2143.01. As Sparkman is not biased, and therefore is free to work with a variety of stop positions between the closed and fully open positions, it clearly teaches away from Cherry.

The Present Invention Distinguishes Over the Cited References:

It is respectfully submitted that there is no motivation to combine Cherry and Sparkman. Further, as the proposed modification would render each of the cited references unsatisfactory for their respective intended purposes, there is actually motivation to not combine the two references. Therefore, in addition to the reasons stated above, amended claim 1 of the present application patentably distinguishes over the cited references, and the Applicant respectfully requests the withdrawal of the Examiner's §103 rejection.

Claims 2, 7-12 and 14-17 depend from amended claim 1 and include all of the features of that claim plus additional features which are not taught or suggested by the cited references. Therefore, it is respectfully submitted that claims 2, 7-12, and 14-17 also patentably distinguish over the cited references.

Amended claim 28 of the present application recites: "A refrigerator, comprising: a cabinet with a storage compartment; a door hinged to the cabinet to close the storage compartment; a leg casing installed in a lower portion of the cabinet; a movable body coupled to door, wherein the movable body is arranged in the leg casing so as to move in opposite directions in the leg casing; and a control unit to control an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position, wherein the movable body is provided with a plurality of grooves formed along a longitudinal side

surface thereof, and the grooves are formed along one upper side of a separate I-bar-shaped member that is slidably inserted into a half-I-bar shaped lengthwise slot in a longitudinal side surface of the movable body." As stated above in regard to amended claim 1, there is no motivation to combine the references of Cherry and Sparkman. Therefore, the Applicant respectfully submits that amended claim 28 also patentably distinguishes over the cited references.

Claims 29, 35-40 and 42-44 depend from amended claim 28 and include all of the features of that claim plus additional features which are not taught or suggested by the cited references. Therefore, it is respectfully submitted that claims 29, 35-40, and 42-44 also patentably distinguish over the cited references.

Conclusion

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

April 27, 2006

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